

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WISCONSIN

U.S. District Court
Wisconsin Eastern

MAR 13 2019

FILED
Stephen C. Dries, Clerk

In the Matter of the Search of

Case Number: 19-m-651

A USPS Priority Mail parcel with tracking number number 9505 5142 0875 9057 3836 15 addressed to "Baby Brooklyn Marsaw, 535 grove St, Green Bay, WI, 54302, Apt 2, Upper (sic)" with a return address of "Jacob Harris, 4621 W. Century Blvd, Inglewood, CA 90304."

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Priority Mail parcel with tracking number number 9505 5142 0875 9057 3836 15 addressed to "Baby Brooklyn Marsaw, 535 grove St, Green Bay, WI, 54302, Apt 2, Upper (sic)" with a return address of "Jacob Harris, 4621 W. Century Blvd, Inglewood, CA 90304."

currently located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 841(a)(1) and 843(b).

The application is based on these facts:

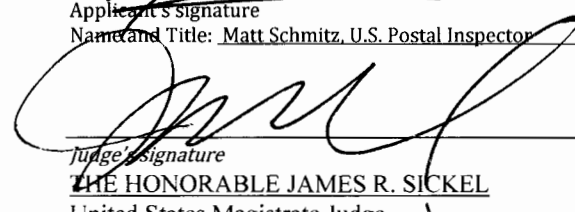
- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of ___ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date March 13, 2019

City and state: Green Bay, Wisconsin


Applicant's Signature
Name and Title: Matt Schmitz, U.S. Postal Inspector


Judge's Signature
THE HONORABLE JAMES R. SICKEL
United States Magistrate Judge
Name & Title of Judicial Officer

AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

I. INTRODUCTION

1. I have been employed by the United States Postal Inspection Service for approximately 15 years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.

II. PARCEL TO BE SEARCHED

2. This affidavit is submitted in support of an application for a search warrant for a 20 inch by 14 inch by 10 inch Priority Mail parcel with tracking number 9505 5142 0875 9057 3836 15, mailed on February 26, 2019, from Los Angeles, CA 90009. This parcel bears handwritten addressee and return address information. The parcel is addressed to "Baby Brooklyn Marsaw, 535 grove St, Green Bay, WI, 54302, Apt 2, Upper (sic)" and bears a return address of "Jacob Harris, 4621 W. Century Blvd, Inglewood, CA 90304." The parcel weighs approximately 5 pounds, 10.2 ounces, exhibits postage in the amount of \$48.75, and is hereinafter referred to as "SUBJECT PARCEL."

III. INVESTIGATION

3. On February 27, 2019, I received information from the Los Angeles Division of the U.S. Postal Inspection Service that they had identified a Priority Mail parcel with tracking number 9505 5142 0875 9057 3836 15 (SUBJECT PARCEL) as a mailing that may contain controlled substances. U.S. Postal Inspectors routinely review mailing records and monitor mailings being sorted in USPS facilities in an attempt to identify those that may contain controlled substances. These reviews are often conducted independent of any specific information

identifying a particular address or person as being suspected of receiving controlled substances or sending controlled substances or the proceeds related to the distribution of controlled substances. Rather, through training and investigative experience, I have learned that parcels containing controlled substances, controlled substance paraphernalia, or proceeds related to the sale of controlled substances generally exhibit characteristics that could include:

- a. The article is contained in a box, flat cardboard mailer, or Tyvek envelope;
- b. The article bears a handwritten label;
- c. The handwritten label on the article does not contain a business account number; and
- d. The article originated from an area that, based on past experience is a known origination point for controlled substances and is destined for an area that, based on past experience, is a known destination point for controlled substances in the mail; or the reverse: the article originated from an area that, based on past experience, is a known origination point for proceeds from the sale of controlled substances, and is destined for an area that, based on past experience, is a known destination point for controlled substance proceeds.


The SUBJECT PARCEL was identified by Los Angeles Division Postal Inspectors as a mailing that may be associated with controlled substance distribution considering it weighed approximately five pounds, was mailed from a known source location for controlled substances (Los Angeles, CA), and exhibited handwritten return and addressee information. Los Angeles Division Postal Inspectors contacted me to inquire as to whether I was interested in conducting additional investigation and screening on the SUBJECT PARCEL. Based upon the characteristics identified above, I requested the SUBJECT PARCEL be sent to me at the U.S. Postal Inspection Service office in Oneida, WI for further investigation including address verification checks and examination by a trained controlled substance detection dog.

4. On March 4, 2019, I received the SUBJECT PARCEL at the U.S. Postal Inspection Service in Oneida, WI and saw it exhibited tracking number 9505 5142 0875 9057 3836 15 was addressed to "Baby Brooklyn Marsaw, 535 grove St, Green Bay, WI, 54302, Apt 2, Upper (sic)" and bore a return address of "Jacob Harris, 4621 W.

Century Blvd, Inglewood, CA 90304.” I queried the CLEAR law enforcement search engine for information on the return and delivery addresses and received information that the last name “Harris” was not known to be associated with 4621 W. Century Blvd in Inglewood, CA 90304 while 535 Grove St in Green Bay, WI was not known to exist. I have learned from my training and investigative experience that individuals using the U.S. Mail to send controlled substances commonly use a fictitious return address. I have also learned that individuals receiving controlled substance through the mail often use a delivery address at which they do not reside. In both instances, the sender and mailer use these addressing characteristics in an attempt to avoid identification as the source and intended recipient of the controlled substances.

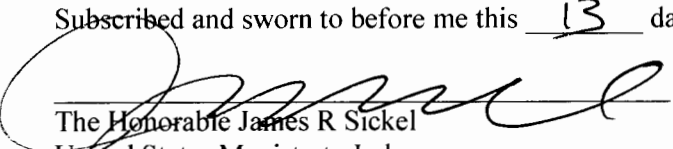
5. On March 4, 2019, I contacted Brown County Drug Task Force Investigator and K-9 Officer Kyle Mason who agreed to assist in presenting the SUBJECT PARCEL to a dog sniff. Investigator Mason is a trained handler of a certified drug detection dog named “Sasha.” Investigator Larson explained that Sasha is trained in detecting the presence of marijuana, cocaine, heroin, and methamphetamine, and was last certified in detecting controlled substances in May of 2018. Consistent with Investigator Mason’s training, experience, and direction, I placed the SUBJECT PARCEL under a desk at the Brown County Courthouse. Investigator Mason said he deployed Sasha in the room containing this desk before I placed the parcel and Sasha did not alert to the odor of controlled substances in the room. Investigator Mason did not see where I placed the parcel in the room. Sasha examined room and Investigator Mason said Sasha alerted to the odor of controlled substances in a parcel under a desk. I identified the parcel that Investigator Mason was referring to as the SUBJECT PARCEL. Following the dog sniff I retained custody of the SUBJECT PARCEL and currently have it secured at the U.S. Postal Inspection Service office in Oneida, WI, in the Eastern District of Wisconsin.
6. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant issued by a Federal Court.

7. For these reasons, there is probable cause to believe the SUBJECT PARCEL contains controlled substances, controlled substance paraphernalia, and/or proceeds or payment related to the sale of controlled substances. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), and 843(b).
8. On March 6, 2019, at approximately 8:02 AM, I sent this affidavit to Assistance U.S. Attorney (AUSA) William Roach, in the Eastern District of Wisconsin, for review. At approximately 8:07 AM that same morning, AUSA Roach approved the affidavit. Later that same morning, U.S. Magistrate Judge James Sickel authorized a search warrant under case number 19-M-644 based upon an affidavit that I submitted to him that contained only facts related to a previous and unrelated parcel warrant for Express parcel EL827026935US that was addressed to a Little Chute, WI address. I had inadvertently printed and provided Judge Sickel with the affidavit supporting a search of Express parcel EL827026935US and attached it to the application and search warrant pages describing the parcel to be searched as the SUBJECT PARCEL, Priority Mail parcel 9505 5142 0875 9057 3836 15. I executed this warrant on March 6, 2019 and found the SUBJECT PARCEL contained suspected marijuana.



Matt Schmitz
U.S. Postal Inspector

Subscribed and sworn to before me this 13 day of March, 2019.



The Honorable James R Sickel
United States Magistrate Judge
Eastern District of Wisconsin